

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. § 1.8

I hereby certify that this Terminal Disclaimer in response to an Office Action, pursuant to 37 C.F.R. § 1.8, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22323-1450, on:

Date: December 16, 2004

By: Deanne M. Richardson
Signature of Person Mailing Correspondence

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

PATENT

Applicants: John O. Marsden, et al.

Docket No.: 97112.3036

Serial No.: 10/650,167

Examiner: Melvyn J. Andrews

Filing Date: August 27, 2003

Art Unit: 1742

Title: METHOD FOR IMPROVING METALS RECOVERY USING HIGH
TEMPERATURE PRESSURE LEACHING

**TERMINAL DISCLAIMER IN ACCORDANCE
WITH 37 C.F.R. § 1.321(b)**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Honorable Commissioner:

Phelps Dodge Corporation is the sole owner of the instant application, the same as the owner of U.S. Patent No. 6,451,088 in that the instant application is a continuation of U.S. Serial No. 10/238,088, filed on September 9, 2002 (which issued as U.S. Patent No. 6,626,979); which is a continuation of U.S. Serial No. 09/912,967, filed on July 25, 2001 and which issued as U.S. Patent No. 6,451,088. U.S. Patent No. 6,451,088 was assigned to Phelps Dodge Corporation by way of a proper Assignment which was recorded in the United States Patent and Trademark Office at Reel 012026, Frame 0626. U.S. Patent No. 6,626,979 was assigned to Phelps Dodge

Corporation by way of a proper Assignment which was recorded in the United States Patent and

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Trademark Office at Reel 012026, Frame 0626. Accordingly, the owner of the instant application, Phelps Dodge Corporation, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend it beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 6,451,088 and 6,626,979. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent(s) are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: (i) expires for failure to pay maintenance fee, (ii) is held unenforceable, (iii) is found invalid by a court of competent jurisdiction, (iv) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (v) has all claims canceled by reexamination certificate, (vi) is reissued, or (vii) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Applicants authorize and respectfully request that the requisite petition fee of \$130 be charged to Deposit Account No. 19-2814. Any additional fees due, or any overpayment should be credited/charged to this deposit account number.

CONCLUSION

As Applicant's attorney of record, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 16 December 2007

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Respectfully submitted,

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